

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

January 18, 2007 - 7:30 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN HOWARD

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Consider Adoption of the Minutes
 - Regular Council Meeting of January 2, 2007 (Page 3 of 26)
2. Recreation & Convention Center Authority Report (Councilwoman Conklin)
 - a. Meeting Minutes of November 20, 2006 (Page 8 of 26)
 - b. Meeting Minutes of December 18, 2006 (Page 9 of 26)
3. Harbor Committee Report of January 10, 2007 (Councilman Howard)

The following action by the Committee occurred and will need to be acted upon:

 - Winter Storage Relief for Sublease (Page 10 of 26)
4. The Library Property Deed of Gift (Page 12 of 26)
5. Certificate of Recognition (Chincoteague Police Department) (Page 13 of 26)
6. Auditors briefing on findings of the audit report "FY 06" (David Hughes)
7. Committee Reappointments / Nominations
 - a. William McComb – Chincoteague Recreation & Convention Center–four year term
 - b. Ernest Bowden – Curtis Merritt Harbor Committee – Two year term
 - c. Robert Tye – Building Code Board of Appeals –five year term
 - d. Steven Potts – Chincoteague Recreation & Convention Center – four year term
8. Robert Cherrix – Zoning Board of Appeals – expired term, Court to determine
9. **Public Hearing** to amend the Zoning Ordinance Section 2.96, by adding to the definition of Main Use (Page 14 of 26)
 - Council to Consider adoption of the proposed amendment

Regular Council Agenda
January 18, 2007
Page 2

10. **Joint Public Hearing** with the Planning Commission to amend the Zoning Ordinance
Section 8.5.2, 11.1.3, 12.1.1 through 12.1.7, by deleting out the rates (Consider for January
18, 2006 Council Meeting) **(Page 16 of 26)**
 - Council to Consider adoption of the proposed amendment
11. Resolution Authorizing the Application for State Aid to Public Transportation **(Page 21 of 26)**
 - a. Grant financial Assistance in the Amount of \$125,000 **(Page 22 of 26)**
 - b. Grant financial Assistance in the Amount of \$ 74,450 **(Page 23 of 26)**
12. American Bridge, Contractor for Chincoteague Bridge replacement is seeking a variance
regarding a holding tank to hold septic for three temporary office trailers **(Page 24 of 26)**
13. Bids for the Dock lease at Robert Reed Downtown Park **(Page 26 of 26)**
14. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN:

**MINUTES OF THE JANUARY 2, 2007
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
Anita Speidel, Vice Mayor
Nancy B. Conklin, Councilwoman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman
E. David Ross, Councilman
Glenn B. Wolfe, Councilman

Call to Order

Mayor Tarr called the meeting to order at 7:36 p.m.

Invocation

Councilman Howard offered the invocation.

Pledge of Allegiance

Mayor Tarr led the Pledge of Allegiance.

Agenda Additions/Deletions and Adoption

Councilwoman Conklin motioned, seconded by Councilman Wolfe, to adopt the agenda as presented. The motion was unanimously approved.

1. Adoption of the Minutes.

- Regular Council Meeting of December 4, 2006 – Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.
- Special Council and Planning Commission Workshop Meeting of December 5, 2006 – Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

2. Public Works Committee Report of December 12, 2006.

Councilwoman Conklin motioned, seconded by Councilman Wolfe, to approve the minutes as presented. The motion was unanimously approved.

3. Ordinance Committee Report of December 13, 2006.

Vice Mayor Speidel motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.

- Adoption of the Revised Ordinance: *Chapter 14, Article II, Division 2, Permit Fees* – Councilman Wolfe motioned, seconded by Councilman Howard, to adopt the following revised ordinance. The motion was unanimously approved.

Chapter 14

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

Secs. 14-1—14-25. Reserved.

Article II. Building Code

Division 1. Generally

Sec. 14-26. Enforcement of Uniform Statewide Building Code.
Secs. 14-27—14-55. Reserved.

Division 2. Permit Fees

Sec. 14-56. Established.
Sec. 14-57. Exceptions
Secs. 14-58—14-85. Reserved.

Article III. Unsafe Buildings

Sec. 14-86. Removal, repair or securing of buildings and other structures.
Sec. 14-87. Buildings exempt from Uniform Statewide Building Code.

***Charter references**—Regulation of buildings, ch. 2, § 1(22), (25); issuance of building permits in conformity with town plan, ch. 3, §§ 6, 7.

Cross references—Environment, ch. 22; fire prevention and protection, ch. 26; floods, ch. 30; solid waste, ch. 46; streets, sidewalks and other public places, ch. 50; building numbers, § 50-176 et seq.; utilities, ch. 62; vegetation, ch. 66; waterways, ch. 70; zoning, app. A; land subdivision and development, app. B.

State law references—Access to and use of buildings by handicapped, Code of Virginia, § 2.1-517; removal, repair, etc., of buildings and other structures, Code of Virginia, § 15.2-906 et seq.; light, ventilation, sanitation and use and occupancy of buildings, Code of Virginia, § 15.2-1117; limitation of prosecutions of building code violations, Code of Virginia, § 19.2-8; Virginia Industrialized Building Safety Law, Code of Virginia, § 36-70 et seq.; Uniform Statewide Building Code, Code of Virginia, § 36-97 et seq.; effect of building code on other building regulations, Code of Virginia, § 36-98; enforcement of building code, appeals from decisions of local building department, inspection of buildings, Code of Virginia, § 36-105; voluntary apprenticeship, Code of Virginia, § 40.1-117 et seq.; contractors, Code of Virginia, § 54.1-1100 et seq.; local licensing of certain contractors, Code of Virginia, § 54.1-1117.

ARTICLE I. IN GENERAL

Secs. 14-1—14-25. Reserved.

ARTICLE II. BUILDING CODE

DIVISION 1. GENERALLY

Sec. 14-26. Enforcement of Uniform Statewide Building Code.

The town shall enforce the Uniform Statewide Building Code in the town and shall provide its own inspectors. (Code 1977, § 5-1)

State law reference—Enforcement of Uniform Statewide Building Code, Code of Virginia, § 36-105.

Secs. 14-27—14-55. Reserved.

DIVISION 2. PERMIT FEES

Sec. 14-56. Established.

The town council shall establish a schedule of fees and charges for building and zoning permits and related costs. Such schedule of fees and charges shall be posted in the office of the building and zoning administrator and may be amended only by action of the town council upon recommendation of the budget and personnel committee.

(Amended 01/02/07)

Sec. 14-57. Exceptions.

A building permit shall be required; however, no fee shall be required for the following:

- (1) Structures or buildings owned by a nonprofit organization, approved by the United States Internal Revenue Service, or local, state or federal governments. A building permit is still required.

- (2) A fence. A zoning permit is still required.

(Code 1977, § 5-2; Ord. of 4-01-1991 (4); Ord. of 11-5-1990 (5); Ord. of 12-03-1990 (6-7); Ord. of 5-17-2001 (8))

(Amended 01/02/07)

4. Budget and Personnel Committee Report of December 19, 2006.

Vice Mayor Speidel motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

- New Position Description: Water Works Development Specialist – Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the position description as presented. The motion was unanimously approved.
- Changes in Mosquito Control Job Descriptions

a) Mosquito Control Supervisor – Councilwoman Conklin motioned, seconded by Vice Mayor Speidel, to approve the job description as presented. The motion was unanimously approved.

b) Mosquito Control Technician - Councilwoman Richardson motioned, seconded by Vice Mayor Speidel, to approve the job description as presented. The motion was unanimously approved.

5. *Scheduling of a Date for a Public Hearing to Amend Section 2.96 of the Zoning Ordinance.*

Mayor Tarr explained that Council needed to schedule a date for a public hearing to amend Section 2.96 of the Town's Zoning Ordinance by adding to the definition of Main Use. Councilman Howard motioned, seconded by Councilwoman Richardson, to hold a public hearing to amend Section 2.96 of the Zoning Ordinance at the regular Council meeting on January 18, 2007. The motion was unanimously approved.

6. *Scheduling of a Date for a Joint Public Hearing with the Planning Commission to Amend Sections 8.5.2, 11.1.3 and 12.1.1 through 12.1.7 of the Zoning Ordinance.*

Mayor Tarr explained that Council needed to schedule a date for a joint public hearing with the Planning Commission to amend Sections 8.5.2, 11.1.3 and 12.1.1 through 12.1.7 of the Town's Zoning Ordinance by deleting the rates. Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to hold a public hearing to amend Sections 8.5.2, 11.1.3 and 12.1.1 through 12.1.7 of the Zoning Ordinance at the regular Council meeting on January 18, 2007. The motion was unanimously approved.

7. *Results of Christmas Decoration Judging.*

Mayor Tarr announced the results of the Christmas decoration judging and explained that the winners of each category (*) will receive a \$100 savings bond. The winners for 2006 are:

- Best Overall Appearance* – Kevin Krome and Steve Potts
- Most Illuminated* – Ray and Nancy Rosenberger
- Most Festive* – Arlene Shreves
- Most Creative* – Alfred "Dino" and Sharon Johnson
- Honorable Mention – Chris and Stephanie Montross, Bill and Ginger Birch

8. *Mayor and Council Announcements or Concerns.*

- Councilman Howard commented on the tradition of a man visiting a house before a woman on New Year's Day.
- Councilwoman Richardson showed Council pictures of where poles have been placed in the Town's right-of-way. She also commented on the danger of trees that grow into the right-of-way. Mayor Tarr responded that the Public Works Committee will review the matter.

- Town Attorney Poulson informed Council that he has written a memo to the court regarding the proposed changes to the Noise Ordinance and that he is awaiting the court's response to the memo.

Adjournment of Meeting

Mayor Tarr announced that the next meeting will be on January 18, 2007 at 7:30 pm. Councilwoman Conklin motioned, seconded by Councilwoman Richardson, to adjourn the meeting. The motion was unanimously approved.

Mayor

Town Manager

CHINCOTEAGUE RECREATION & CONVENTION CENTER AUTHORITY
MINUTES
November 20, 2006

Members Present:

Mr. Bill Chrisman, Chairman
Hon. Nancy Conklin
Mr. Bill Fallon
Mr. Bill McComb

Absent:

Mr. Steve Potts
Therese Hamilton, Director

Chairman Chrisman called the meeting to order at 3:00 pm.

1. Approval of Minutes of the October 9, 2006 Meeting. Mrs. Conklin motioned, seconded by Mr. Fallon, to approve the minutes as presented. The motion was unanimously approved.
2. Treasurer's Report. The members reviewed the report. Mr. Fallon motioned, seconded by Mr. McComb, to approve the Treasurer's Report. The motion was unanimously approved.
3. Director's Report. There was a discussion regarding the Center's ad in the wedding magazine. Mr. McComb motioned, seconded by Mr. Fallon, to place the ad for the Center in the wedding magazine. The motion was unanimously approved.

Mrs. Conklin stated that she received a request from the Trolley History Tour group regarding placing a permanent sign in front of the Center as well as storing the table and chair used during ticket sales in the Center. She added that the group also requested placing benches in front of the Center so the customers waiting for the tour will have a place to sit. It was the consensus of the members to allow the group to store the table, chair and sign in the Center during the History Tour season and to deny the other requests from the Tour group.

Adjournment

Chairman Chrisman announced that the next meeting will be on December 18, 2006. Mr. McComb motioned, seconded by Mrs. Conklin, to adjourn the meeting. The motion was unanimously approved.

CHINCOTEAGUE RECREATION & CONVENTION CENTER AUTHORITY
MINUTES

December 18, 2006

Members Present:

Mr. Bill Chrisman, Chairman
Hon. Nancy Conklin
Mr. Bill Fallon
Mr. Bill McComb
Mr. Steve Potts

Staff Present:

Therese Hamilton, Director

Chairman Chrisman called the meeting to order at 3:00 pm.

1. Approval of Minutes of the November 20, 2006 Meeting. The minutes were not prepared in time for the meeting. They will be presented along with the minutes of this meeting at the January meeting.

2. Treasurer's Report. Mr. McComb read the report. Mrs. Conklin motioned, seconded by Chairman Chrisman, to approve the Treasurer's Report. The motion was unanimously approved.

3. Director's Report. Director Hamilton stated that she doesn't yet have the financial results of the Debby Boone Christmas Show, but reported that the event was successful.

Director Hamilton informed the members about the Center's ad and feature in the December issue of the Small Market Magazine.

Director Hamilton stated that the Mardi Gras event is scheduled for February 17. Chairman Chrisman asked if the \$1,000 anonymous donation had been received, and she responded that it had not. The members suggested that she call and request the promised donation.

Director Hamilton reported that the heating and air conditioning system has failed once again. The members recommended that she contact the Trane headquarters and explain all of the problems that the Center has had with their product. They also recommended calling Islands Supervisor Wanda Thornton and follow up on possible grants available for repair or replacement of the heating and air conditioning system.

Director Hamilton listed some of the recent events held at the Center as well as several upcoming events.

4. New Business. Chairman Chrisman suggested that Director Hamilton contact the Navy and Air Force to promote the Center during future launching events.

Mrs. Conklin asked if it was beneficial to advertise the Center in the bridal magazine. She also asked about advertising in the Metropolitan Magazine. Mr. Potts recommended that others in the community be included in the ad, such as local bed and breakfasts, caterers, photographers, etc., to help defray some of the Center's cost of the ad. Chairman Chrisman recommended placing the matter on the agenda for the January meeting.

Adjournment

Chairman Chrisman announced that the next meeting will be on January 15, 2007. Mr. Potts motioned, seconded by Mr. Fallon, to adjourn the meeting. The motion was unanimously approved.

MINUTES OF THE JANUARY 10, 2007
HARBOR COMMITTEE

Members Present

Terry Howard, Chairman
David Ross, Councilman
Ernie Bowden
Mike Handforth
Wayne Merritt, Harbor Master

Others Present

Robert Ritter, Town Manager

Call to Order.

Chairman Howard called the meeting to order at 7:34 pm.

Agenda Adoption

Mr. Bowden moved, seconded by Mr. Handforth, to adopt the agenda. The motion was unanimously approved.

1. Harbor Master Update (Wayne Merritt).

Harbor Master Merritt reported that the Harbor has been quiet for the last few weeks due to the lack of fish and all of the current regulations in place. He added that the scallop boats have left and that subleasing has dropped off. Mr. Merritt informed that the ladders have been received for the Harbor and that they will be installed in the areas that were shown on the phase II drawings of the Harbor. He stated that he and Town Manager Ritter have discussed ways to offer the slip holders a discount on winter storage by not charging them for winter storage if their slip is being subleased. The Committee unanimously agreed to forward this idea to Council for consideration. Mr. Merritt reported that the only real problem currently at the Harbor is the household trash being placed in the Harbor containers.

2. Update on Dredging of Curtis Merritt Harbor.

Mr. Merritt and Mr. Ritter met with the Army Corp of Engineers and were told that the Harbor may not be dredged until after the summer.

3. Update on Office & Restrooms.

The Committee was informed that the elevation certificate for the restroom site has been completed and that the information will be forwarded to the Town's consultant as soon as the Town receives it.

4. Breakwater Replacement.

Two options were presented to the Committee with a dock and landing on each option. One option (A) was to move the breakwater out 30 feet, and the other option (B) was to leave the breakwater where it is currently located. A motion was made by Mr. Bowden and seconded by Councilman Ross to accept the first option (A) of moving the breakwater and dock out 30 feet. The second option (B) of replacing the breakwater in the existing location with a new dock and platform will be considered if at any time the proper permits could not be obtained for option (A). The motion was unanimously approved.

5. Committee Member Comments.

Mr. Bowden mentioned that there is still a problem with people parking their cars at the loading dock and leaving them there. He also mentioned that there are several slip holders that do not currently have a boat to put in their slip, but that are "leasing" a boat from someone else so that the other person [the actual boat owner] can use their slip. In addition that other person [the actual boat owner] is paying the original slip holder's yearly lease amount for him so that they have a place to put their boat. Mr. Bowden stated that this was not fair to those people that have been on the waiting list. Chairman Howard responded that these concerns will be addressed at the next meeting.

6. Adjournment.

Chairman Howard announced that the next meeting will be on March 14, 2007 at 7:30 pm. Mr. Bowden moved, seconded by Mr. Handforth, to adjourn the meeting at 8:46 pm.

MEMORANDUM

TO: Mayor & Council

FROM: Robert G. Ritter, Jr., Town Manager

DATE: January 15, 2007

SUBJECT: Winter Storage relief for Sublease

The Harbor Committee met on January 10, 2007, and made the following recommendation to Mayor and Council; that the Mayor and Council allow the slip owner who is storing their boat in the winter, to be allowed to have a credit if their boat slip is subleased. Currently the slip holder has to pay a fee of \$35/month for winter storage for a boat less than 30 feet. A slip holder has to pay a fee of \$50/month for winter storage for a boat 30 feet or greater.

If it is the Mayor and Council's pleasure a credit could be \$1.17/per day for each day the slip is subleased for a boat less than 30 feet and \$1.67/per day for each day the slip is subleased for 30 feet and greater.

Note all fees for the Harbor increase 2.5% each year.



DEED OF GIFT

PRESENTED TO

THE ISLAND LIBRARY

FOR LAND ADJACENT TO THE LIBRARY TO BE
USED IN THE LIBRARY EXPANSION PROJECT

DATED THIS 18TH DAY OF JANUARY 2007.

ANITA W. SPEIDEL, VICE MAYOR

JOHN H. TARR, MAYOR



CERTIFICATE OF RECOGNITION

WHEREAS, the Chincoteague Police Department has given freely of their time and talents to initiate fundraising activities for families throughout our community; and

WHEREAS, these fundraising activities resulted in assistance to many families and brought smiles to the faces of many children throughout our community on Christmas day; and

WHEREAS, many businesses and individuals deserve our heartfelt gratitude for their generous donations to this program along with Chief Lewis and the members of the Chincoteague Police Department and many volunteers that saw this program to its success.

NOW, THEREFORE, I, John H. Tarr, Mayor along with the Chincoteague Town Council deem it an honor and a privilege to present this

Certificate of Recognition to the

CHINCOTEAGUE POLICE DEPARTMENT

on this 18TH day of January 2007.

John H. Tarr
Mayor

Anita Speidel
Vice Mayor

December 18, 2006

Eastern Shore Post
P. O. Box 318
Tasley VA 23441

Dear Sirs:

The Mayor & Town Council of the Town of Chincoteague requests the following NOTICE OF PUBLIC HEARING be published in the Eastern Shore Post on Wednesday January 3, 2007 and Wednesday January 10, 2007:

Public Notice

The Mayor & Town Council of the Town of Chincoteague will hold a public hearing on January 18, 2007 at 7:30 p.m. in the Council Chambers located at 6150 Community Drive to hear public comments and views on the following zoning amendments:

Amend Section 2.96 by adding the following paragraphs to the definition of Main Use:

A dock, including a boat lift(s), used in conjunction with the main use of a lot or structure, which is in compliance with all applicable County, State, and Federal regulatory and statutory provisions and permitted by all required agencies, is a secondary, incidental or accessory use or structure.

A gazebo-type structure erected on a lot, the specific location of which is not subject to the jurisdiction of the Accomack County Wetlands Board, the Virginia Marine Resource Commission, and/or the United States Army Corps of Engineers, and used in conjunction with the main use of a lot or permitted building is a secondary, incidental or accessory use or structure.

Add the following section to Article VI. General Provisions

SECTION E. OPEN-SIDED SHELTER ROOFS, OPEN-SIDED ROOF TO SHELTER A SINGLE BOAT SLIP OR BOAT LIFT, AND GAZEBO-TYPE STRUCTURES

Sec. 6.8. Open-sided shelter roofs, open sided roof to shelter a single boat slip and/or boat lift, and gazebo type structures.

Sec.6.8.1 Open-sided roof structures to shelter a single boat slip and/or boat lift, and gazebo type structures as defined in §28.2-1203.A.5 of the Code of Virginia of 1950, as amended may be constructed and/or maintained on any dock or pier, or platform in any zoning district as a matter of right, subject to §28.2-1203.A.5. No such structure(s) on any such dock, pier and/or platform shall exceed a combined coverage or area of four hundred square feet (400 sf.) No such permitted structure shall exceed twelve feet (12ft.)

in height and shall have a roof pitch no greater than 2/12. No special exception or use shall be granted by the Board of Zoning Appeals for any such structure not complying with such size and design limitations, nor shall the Board of Zoning Appeals grant any special exception or use for any open-sided shelter roof structure as defined in §28.2-1203.A.5

Kenny L. Lewis
Zoning Administrator

MEMORANDUM

THE TOWN OF CHINCOTEAGUE, INC.

To: Mayor, Town Council & Planning Commission Members

From: Robert Ritter, Town Manager

Date: January 16, 2007

Subject: Proposed Zoning Amendment

The following information will be for the **Joint Public Hearing** with the Planning Commission to amend the Zoning Ordinance Section 8.5.2, 11.1.3, 12.1.1 through 12.1.7, by deleting out the rates.

8.5.2. Appeals and applications for a variance or special exception requiring an advertised public hearing shall be accompanied by payment ~~for \$150.00~~ **established by the town council** payable to the treasurer.

(Ord. of 11-4-1996; Ord. of 5-1-2000)

(Amended ??/??/07)

Sec. 8.6. Procedure on application or appeal.

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make its decision within 90 days of the filing of the application or appeal. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of at least four of the members of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variance from this ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

(Ord. of 4-7-1997)

State law reference—Similar provisions, Code of Virginia, § 15.2-2312.

Sec. 8.7. Certiorari to review decision of board.

8.7.1. Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the town, may present to the circuit court for the county a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the board.

8.7.2. Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return

shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued or permitted by such person and shall be punishable as herein provided.

ARTICLE XI. AMENDMENTS

Sec. 11.1. Provisions regarding amendments.

The regulations, restrictions and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified or repealed by a favorable majority of votes of the governing body; provided:

11.1.1. That a public hearing shall be held in relation thereto at which parties in interest and citizens shall have an opportunity to be heard.

11.1.2. That notice shall be given of the time and place of such hearings by publication in at least two issues of some newspaper with a six-day publication span having a general circulation in the jurisdiction. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than six days nor more than 21 days after final publication. After enactment of any such plan, ordinance or amendment, further publication thereof shall not be required.

11.1.3. Any amendment proposal requiring an advertised public hearing shall be accompanied by payment in the amount of ~~\$150.00~~ **established by the town council.**
(*Amended ???/07*)

11.1.4. That changes shall be made by the governing body in the zoning ordinance or the zoning map only after such changes have been referred to the planning commission for a report. Action shall be taken by the governing body only after a report has been received from the planning commission, unless a period of 30 days has elapsed after date of referral to the commission, after which time it may be assumed the commission has approved the change or amendment.

11.1.5. Any subject matter once denied by the governing body shall not again be presented within a period of six months from the date of denial.
(Ord. of 5-1-2000)

ARTICLE XII. ADMINISTRATION AND INTERPRETATION*

Sec. 12.1. Fees.

CDA:82

The town council shall establish a schedule of fees and charges for building and zoning permits and related costs. Such schedule of fees and charges shall be posted in the office of the building and zoning administrator and may be amended only by action of the town council upon

CDA:82

recommendation of the budget and personnel committee.

(Amended ??/??/07)

~~12.1.1. General.~~ There is a standard fee of \$150.00 to file an appeal which shall include applications for a variance or special exception with the Board of Zoning Appeals.

~~12.1.2. Zoning fees.~~

~~(1) The fee for a proposed rezoning shall be \$150.00~~

~~(2) The petitioner shall be responsible for all cost relating to vacating any subdivision plat or any part thereof.~~

~~12.1.3. Transcript fees.~~

~~(1) The fee for transcripts shall be \$.50 per page.~~

~~12.1.4. Conditional Use Fee:~~

~~(1) The fee for a conditional use application shall be \$1,500.00. The Town Manager shall have the authority to waive, in whole or in part, such fee.~~

(Amended 05-03-04)

~~12.1.5. Exceptions.~~

~~(1) No fee for zoning permits shall be required for structures or buildings owned by a nonprofit organizations, approved by the United States Internal Revenue Service, local, state, or federal governments. Fees for requests for zoning amendments, rezoning and appeals shall apply. A building permit is still required for such construction.~~

~~(2) No fee shall be required for a any detached structure of 150 square feet or less. A zoning permit shall be required.~~

~~(3) No fee shall be required for a sign under 16 square feet. No fee shall be required for the placement of banners. A permit shall be required.~~

~~(4) No fee shall be required for demolition of a structure. Demolitions do require a building permit before any demolition takes place.~~

CDA:83

~~(5) No fee shall be required for moving a structure on the same lot. A building permit is required if larger than 150 square feet. A zoning permit is required if smaller than 150 square feet.~~

~~_____ (6) _____ No fee shall be required for a fence. A zoning permit shall be required.~~

~~_____ 12.1.6. Mobile home park fees.~~

~~_____ (1) _____ For any site or tract of land upon which there is to be located four to 25 mobile homes, the fee shall be \$1,000.00.~~

~~_____ (2) _____ For any site or tract of land upon which there is to be located 26 to 40 mobile homes, the fee shall be \$2,000.00.~~

~~_____ (3) _____ For any site or tract of land upon which there is to be located 41 or more mobile homes, the fee shall be \$5,000.00.~~

~~_____ 12.1.7. Travel trailer park fees.~~

~~_____ (1) _____ For any site or tract of land upon which there is to be located up to 25 travel trailers, the fee shall be \$500.00.~~

~~_____ (2) _____ For any site or tract of land upon which there is to be located 26 to 49 travel trailers, the fee shall be \$1000.00.~~

~~_____ (3) _____ For any site or tract of land upon which there is to be located 50 or more travel trailers, the fee shall be \$2,000.00.~~

~~(Ord. of 1-3-1996; Ord. of 11-4-1996, Ord or 5-1-2000)~~

Sec. 12.2. Enforcement by zoning administrator.

This ordinance shall be enforced by the zoning administrator. The zoning administrator shall serve and be compensated in accordance with the employee handbook of the Town of Chincoteague.

Sec. 12.3. Exemptions.

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this ordinance. However, such construction must commence within 30 days after this ordinance becomes effective. If construction is discontinued for a period of six months, the provisions of this ordinance for the district in which the operation is located shall be adhered to.

CDA:84

ADDENDUM 2

~~There shall be a charge for the examination and approval or disapproval of both a preliminary and final plat reviewed by the zoning administrator or the planning commission. At the time of filing the preliminary or final plat, the subdivider shall deposit with the agent, checks payable to the Chincoteague Town Treasurer in the amount of \$500.00 per plat and \$10.00 for each lot for a subdivision containing 11 or more lots; if the subdivision contains less than 11 lots, the charge shall be \$200.00 per plat and \$10.00 per each lot.~~

EXAMPLES

~~Minor Subdivision~~

~~Two lots: \$200.00 + \$ 20.00 = \$220.00~~

~~Five lots: \$200.00 + \$ 50.00 = \$250.00~~

~~Ten lots: \$200.00 + \$100.00 = \$300.00~~

~~Major Subdivision~~

~~Eleven lots: \$500.00 + \$110.00 = \$610.00~~

~~Thirty lots: \$500.00 + \$300.00 = \$800.00~~

The town council shall establish a schedule of fees and charges for subdivision reviews for each submitted plat and related costs. Such schedule of fees and charges shall be posted in the office of the building and zoning administrator and may be amended only by action of the town council upon recommendation of the budget and personnel committee.

(Amended ??/??/07)

MEMORANDUM

TO: Mayor & Council
VIA: Robert Ritter
FROM: Jack G. Van Dame
SUBJECT: FY 2008 Trolley Grant Resolutions

The first grant Resolution is to cover a garage facility to house the trolleys. The proposed location for the structure is behind the existing maintenance buildings parallel to the ball park. Our contribution to the project is the land and land improvements where the structure will be situated. There will be no out of pocket cost to the town.

The second grant Resolution is for an operation grant, consistent with the request of previous years. Our match for the \$75,400 request is \$18,637.

**Resolution Authorizing the Application for
State Aid to Public Transportation**

BE IT RESOLVED by the Chincoteague Town Council that the Robert G. Ritter, Jr. is authorized, for and on behalf of the Town Council of the Town of Chincoteague, Virginia, hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the amount of \$125,000 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize Robert G. Ritter, Jr. to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Chincoteague Town Council certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide land and improvements in the amount of \$25,000, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting Town Manager of the **PUBLIC BODY** certified that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Town Council of the Town of Chincoteague held on the 18th day of January, 2007.

(Official Town Seal)

(Signature)

Robert G. Ritter, Jr.
Town Manager

(Date)

**Resolution Authorizing the Application for
State Aid to Public Transportation**

BE IT RESOLVED by the Chincoteague Town Council that the Robert G. Ritter, Jr. is authorized, for and on behalf of the Town Council of the Town of Chincoteague, Virginia, hereafter referred to as the, **PUBLIC BODY**, to execute and file an application to the Department of Rail and Public Transportation, Commonwealth of Virginia, hereafter referred to as the, **DEPARTMENT**, for a grant of financial assistance in the amount of \$75,450 to defray the costs borne by the **PUBLIC BODY** for public transportation purposes and to accept from the **DEPARTMENT** grants in such amounts as may be awarded, and to authorize Robert G. Ritter, Jr. to furnish to the **DEPARTMENT** such documents and other information as may be required for processing the grant request.

The Chincoteague Town Council certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A.4 of the Code of Virginia, that the **PUBLIC BODY** will provide funds in the amount of \$18,367, which will be used to match the state funds in the ratio as required in such Act, that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia. The undersigned duly qualified and acting Town Manager of the **PUBLIC BODY** certified that the foregoing is a true and correct copy of a Resolution, adopted at a legally convened meeting of the Town Council of the Town of Chincoteague held on the 18th day of January, 2007.

(Official Town Seal)

(Signature)

Robert G. Ritter, Jr.
Town Manager

(Date)

MEMORANDUM

To: Mayor & Town Council

From: Kenny L. Lewis, Zoning Administrator

Date: January 15, 2007

Subject: Temporary Use of a Holding Sewerage Tank

American Bridge has requested the use of a temporary holding tank for sewerage for the placement of two mobile office trailers.

In the past the Mayor and Town Council has not allowed the use of sewerage holding tanks on property within the Town.

The two office trailers will be located along the eastern side of the old school property on Church Street.

Several years ago the Town authorized Shore Bank to place such a holding tank during construction of the annex they built.

I would recommend the approval of the holding tank provided the tank is securely anchored to the ground and is pumped out on a regular basis.



568 Central Drive, Suite 101
Virginia Beach, VA 23454
757-451-1480
Fax 757-451-1486
www.americanbridge.net

January 12, 2007

Ken Lewis
Town of Chincoteague
Building and Zoning
6150 Community Drive
Chincoteague Island, VA 23336

Re: Chincoteague Bridge Replacement- Holding Tanks

Dear Mr. Lewis:

Please accept this letter as a request for a variance on the provision regarding holding tanks for office facilities. We will be providing the Virginia Department of Transportation with **temporary** single wide office trailers, we would like to put in a holding tank for these trailers. Again these are **temporary** facilities. If you have any further questions or concerns please feel free to contact either myself or our Project Superintendent, George Buxton. Mr. Buxton can be reached at (757) 572-4395, or you can contact me at (757) 451-1480.

Very truly yours,

AMERICAN BRIDGE COMPANY

A handwritten signature in cursive script, appearing to read 'Meghan Stallings'.

Meghan Stallings
Project Engineer

cc: George Buxton, AB Superintendent

PITTSBURGH
NEW YORK
CHICAGO
LOS ANGELES
ORLANDO
SAN FRANCISCO
RICHMOND
REEDSPORT
VIRGINIA BEACH

MEMORANDUM

To: Mayor and Town Council

Via: Robert G. Ritter Jr., Town Manager

From: Mike Cosby, Public Works Director

Date: January 15, 2007

Subject: Dock lease at Robert Reed Downtown Park

We received two bids for this dock lease for 2007. The high bidder was the Edgerton Fish Company with a proposal in the amount of \$6,012 for the year. In 2006 we received \$30,000 for this lease but it appears that the scallop boats that used the facility last year will be significantly reduced this season. Some of our options are:

- Accept the bid so we at least gain some compensation. This would allow us to offset some of the maintenance costs.
- Decide not to lease the space. The relatively low rent may not be worth the expense or complications created by the boats. I am not familiar with the terms of the grant funds we received for this facility so that should also be considered.
- Choose to rent mooring space ourselves as we do for the boat slips at this facility. This idea has some merit but I do not think we are prepared for it at the present time. Between now and next fall we could evaluate this option more thoroughly.

My recommendation is to accept the bid for this year and research the possibility of handling it ourselves next year.